

1 **STIP**

2 **BRIAN J. SMITH, ESQ.**

3 **State Bar Number 11279**

4 **9525 Hillwood Dr., Suite 190**

5 **Las Vegas, Nevada 89134**

6 **702-380-8248**

7 **brian@bjsmithcriminaldefense.com**

8 **Attorney for SEHDEV**

9 **UNITED STATES DISTRICT COURT**

10 **IN AND FOR THE DISTRICT OF NEVADA**

11 **UNITED STATES OF AMERICA,**

12 **Plaintiff,**

13 **vs.**

14 **ASHOK SEHDEV,**

15 **JOSE LUIS MONTOYA,**

16 **Defendants.**

Case No.: 2:17-mj-00683-CWH

**STIPULATION TO CONTINUE
PRELIMINARY HEARING**

(SIXTH REQUEST)

17 IT IS STIPULATED between the defendant ASHOK SEHDEV through his attorney
18 BRIAN J. SMITH, ESQ., defendant JOSE LUIS MONTOYA through his attorney THOMAS
19 BOLEY, ESQ., and the United States of America, through CRISTINA D. SILVA, Assistant
20 United States Attorney, that the Preliminary Hearing currently scheduled for April 16, 2018, at the
21 hour of 4:00 p.m., be vacated and set to a date and time convenient to this court, but no event
22 earlier than sixty (60) days.

23 This Stipulation is entered for the following reasons:

- 24 1. There have been five previous continuances granted to the defense in this case.
- 25 2. Defense counsel was retained on July 7, 2017.
- 26 3. The parties will require more time to negotiate a resolution on this matter.
- 27 4. The parties agree to the continuance.
- 28 5. Also, denial of this request or continuance would result in a miscarriage of justice.
6. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

1 7. This is the sixth request for a continuance of the Preliminary Hearing.
2 DATED this 13th day of April, 2018.

3 RESPECTFULLY SUBMITTED BY:

4
5 /s/Cristina Silva
6 CRISTINA D. SILVA
7 Assistant United States Attorney

 /s/ Brian J. Smith
 BRIAN J. SMITH
 Attorney for SEHDEV

 /s/ Thomas Boley
 THOMAS BOLEY
 Attorney for MONTOYA

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17 **Case No.: 2:17-mj-00683-CWH**

18 **STIPULATION TO CONTINUE**
19 **PRELIMINARY HEARING**

20 **(SIXTH REQUEST)**

21 **FINDINGS OF FACT**

22 Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds
23 that:

- 24 1. The parties will require more time to negotiate a resolution on this matter.
25 2. The parties agree to the continuance.

26 **CONCLUSIONS OF LAW**

- 27 1. Denial of this request for continuance would deny the defendant sufficient time to
28 be able to fairly resolve his case, taking into account the exercise of due diligence
2. Additionally, denial of this request for continuance would result in a miscarriage of
justice.
3. The additional time requested by the stipulation, is excludable in computing the
time within which the trial herein must commence pursuant to the Speedy Trial Act,

1 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. §
2 3161(h)(7)(B)(i) and (iv).

3 4. This is the sixth request for a continuance.
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6 **ORDER**

7 **IT IS ORDERED** that the Preliminary Hearing currently scheduled for April 16, 2018, at
8 the hour of 4:00 p.m., be vacated and continued to Friday, June 15, 2018, at 4:00 p.m.
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11 _____
12 UNITED STATES MAGISTRATE JUDGE

13 DATED: April 16, 2018
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